

MATTER OF GROVE
In Deportation Proceedings

A-14597358

Decided by Board March 27, 1970

The special inquiry officer does not have authority to rule upon the qualifications of respondent (a nonpreference applicant for section 245 adjustment of status) for precertification under Schedule C of 29 CFR 60.8, since, by regulation, such authority lies solely with the District Director.

CHARGE:

Order: Act of 1952—Section 241(a)(2) [8 U.S.C. 1251(a)(2)]—Remained longer than permitted after admission as nonimmigrant visitor under section 101(a)(15).

ON BEHALF OF RESPONDENT:

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Of counsel:

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ON BEHALF OF SERVICE:

Irving A. Appleman
Appellate Trial Attorney

The respondent is a native and citizen of New Zealand who was admitted to the United States at the port of Honolulu, Hawaii on or about June 16, 1965 as a nonimmigrant visitor for pleasure. She has been found deportable under the provisions of section 241(a)(2) of the Immigration and Nationality Act as an alien who remained longer than permitted. An order entered by the special inquiry officer on May 26, 1966 granted her the privilege of voluntary departure with an alternate order of deportation in the event she failed to depart when and as required. There was no appeal from this order. A warrant for the respondent's deportation was issued on May 15, 1969.

The respondent on May 26, 1969 moved for a reopening of the